# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	e <b>V</b>	Discourt.	☐ U.S.
Owen Godshall		Team # 6	201401889	✓ Abus	se 🗆	O.L.	✓ Injury
Incident Date(s)		Location of Incident:	•	Precin	ct: 1	8 Mo. SOL	EO SOL
Saturday, 02/15/2014 3:10 PM		§ 87(2)(b)		122		8/15/2015	8/15/2015
Date/Time CV Reported		CV Reported At:	How CV Reported:	: Date/	Time Re	ceived at CC	RB
Fri, 02/21/2014 9:52 AM		IAB	Phone	Wed,	02/26/20	014 4:46 PM	ſ
Complainant/Victim	Type	Home Addr	ress				
Witness(es)		Home Addr	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POF Elizabeth Adams	18705	946720	122 PCT				
2. POM David Kosinski	09834	949178	122 PCT				
3. SGT Denis Samuylin	03457	935680	121 PCT				
4. POM Bryan Dunn	03983	950355	121 PCT				
5. An officer							
Officer(s)	Allegatio	on			Investig	gator Recor	nmendation
Officer(s) A.POF Elizabeth Adams	Abuse: P	on O Elizabeth Adams ref mber to <sup>§ 87(2)(b)</sup>	Sused to provide her n		Investig	gator Recor	nmendation
, , ,	Abuse: P	O Elizabeth Adams ref	-	name and	Investig	gator Recor	nmendation
A.POF Elizabeth Adams	Abuse: Poshield nu	O Elizabeth Adams ref mber to § 87(2)(b)	d a chokehold agains	name and	Investig	gator Recor	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams	Abuse: Poshield nu Force: Postield nu Force: Se 87(2)(b)	O Elizabeth Adams ref mber to \$87(2)(b) O Elizabeth Adams use	d a chokehold agains	name and st \$ 87(2) nst	Investig	gator Recon	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams  C.SGT Denis Samuylin	Abuse: Poshield nurse Porce: Poshield nurse Porce: Se \$ 87(2)(b)  Force: Posh 8 87(2)(b)	O Elizabeth Adams ref mber to § 87(2)(6) O Elizabeth Adams use gt. Denis Samuylin used	d a chokehold agains d physical force again d physical force again	name and st [8 87(2)] nst nst	Investig	gator Recon	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams  C.SGT Denis Samuylin  D.POF Elizabeth Adams	Abuse: Pshield nu Force: PC Force: S § 87(2)(b) Force: PC § 87(2)(b) Force: PC	O Elizabeth Adams ref mber to \$87(2)(b) O Elizabeth Adams use gt. Denis Samuylin used O Elizabeth Adams use	d a chokehold agains d physical force again d physical force again physical force agains	name and  st \$87(2)  nst  nst  st \$87(2)	Investig	gator Recon	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams  C.SGT Denis Samuylin  D.POF Elizabeth Adams  E.POM David Kosinski	Abuse: Pshield nu Force: Porce: Ss 87(2)(b) Force: Porce:	O Elizabeth Adams ref mber to \$87(2)(5) O Elizabeth Adams use gt. Denis Samuylin used O Elizabeth Adams use O David Kosinski used	d a chokehold agains d physical force agains physical force againstysical force against	name and  st \$87(2)  nst  nst  st \$87(2)	Investig	gator Recon	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams  C.SGT Denis Samuylin  D.POF Elizabeth Adams  E.POM David Kosinski  F.POM Bryan Dunn	Abuse: Pshield nu Force: PC Force: Sg \$87(2)(b) Force: PC Force: PC Abuse: A	O Elizabeth Adams ref mber to \$87(2)(5) O Elizabeth Adams use gt. Denis Samuylin used O Elizabeth Adams use O David Kosinski used O Bryan Dunn used physical officer damaged \$87(2) esy: Sgt. Denis Samuyl	d a chokehold agains d physical force agains physical force agains ysical force against sproperty.	name and  st \$87(2)  nst  nst  st \$87(2)  87(2)	Investig	gator Recon	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams  C.SGT Denis Samuylin  D.POF Elizabeth Adams  E.POM David Kosinski  F.POM Bryan Dunn  G. An officer	Abuse: Poshield nutrice: Poshield nutrice: Poshield nutrice: See Section 1. S	O Elizabeth Adams ref mber to \$87(2)(b) O Elizabeth Adams use gt. Denis Samuylin used O Elizabeth Adams use O David Kosinski used O Bryan Dunn used physical officer damaged \$87(2)(b) esy: Sgt. Denis Samuylin used O Elizabeth Adams used	d a chokehold agains d physical force against physical force against ysical force against specifical force against specif	name and  st \$87(2)  nst  nst  st \$87(2)  st \$87(2)	Investig	gator Recor	nmendation
A.POF Elizabeth Adams  B.POF Elizabeth Adams  C.SGT Denis Samuylin  D.POF Elizabeth Adams  E.POM David Kosinski  F.POM Bryan Dunn  G. An officer  H.SGT Denis Samuylin	Abuse: Poshield nurshield	O Elizabeth Adams ref mber to \$87(2)(b) O Elizabeth Adams use gt. Denis Samuylin used O Elizabeth Adams use O David Kosinski used O Bryan Dunn used physical officer damaged \$87(2)(b) esy: Sgt. Denis Samuylin used O Elizabeth Adams used	d a chokehold agains d physical force against physical force against ysical force against sproperty. In acted discourteous acted discourteous	name and  st \$87(2)  nst  nst  st \$87(2)  sty  sty	Investig	gator Recon	mmendation

# **Case Summary**

On February 21, 2014, 887(2)(b) filed this complaint with IAB via telephone. On February 26, 2014, the complaint was forwarded to the CCRB via IAB log #14-6846.
At approximately 3:10 p.m., \$87(2)(b) was arrested for criminal trespass by PO Elizabeth Adams of the 122 <sup>nd</sup> Precinct at \$87(2)(b) in Staten Island. The following allegations resulted:
<ul> <li>Allegation A: Abuse of Authority – PO Elizabeth Adams refused to provide her name and shield number to \$87(2)(b)</li> <li>\$87(2)(0)</li> <li>Allegation B: Force – PO Elizabeth Adams used a chokehold against \$87(2)(b)</li> <li>Allegation C: Force – Sgt. Denis Samuylin used physical force against \$87(2)(b)</li> <li>Allegation D: Force – PO Elizabeth Adams used physical force against \$87(2)(b)</li> <li>Allegation E: Force – PO David Kosinski used physical force against \$87(2)(b)</li> <li>Allegation F: Force – PO Bryan Dunn used physical force against \$87(2)(b)</li> <li>\$87(2)(g)</li> <li>Allegation G: Abuse of Authority – An officer damaged \$87(2)(b)</li> </ul>
<ul> <li>Allegation H: Discourtesy – Sgt. Denis Samuylin acted discourteously towards \$87(2)(5)</li> <li>Allegation I: Discourtesy – PO Elizabeth Adams acted discourteously towards \$87(2)(5)</li> <li>Allegation J: Discourtesy – PO David Kosinski acted discourteously towards \$87(2)(5)</li> <li>Allegation K: Discourtesy – PO Bryan Dunn acted discourteously towards \$87(2)(5)</li> </ul>
s complaint is ineligible for mediation \$87(2)(9)
Results of Investigation
<u>Civilian Statement(s)</u>
Complainant/Victim: \$87(2)(b)  • \$87(2)(b)

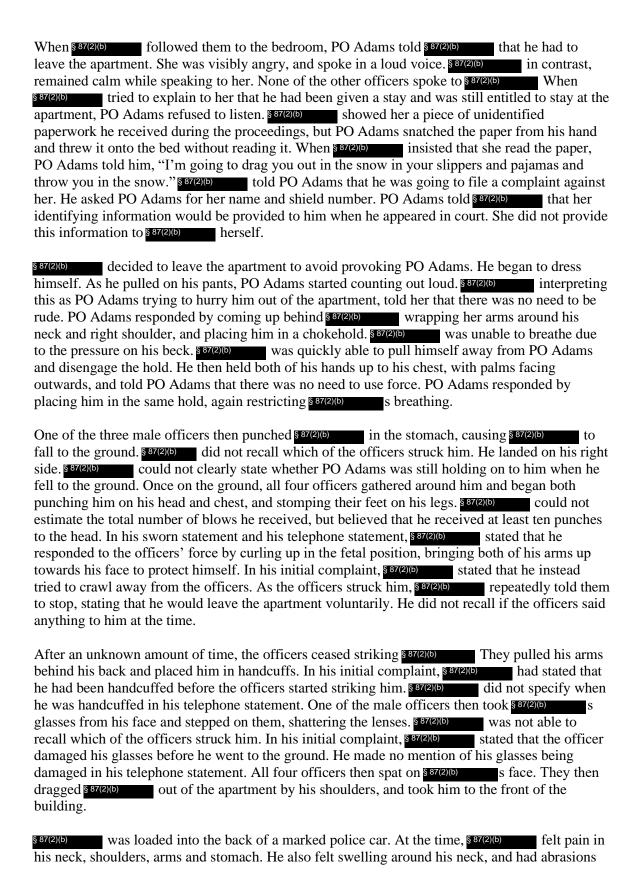
# **Arrest Photograph**

has no visible injuries in his arrest photograph (Encl. 5K).

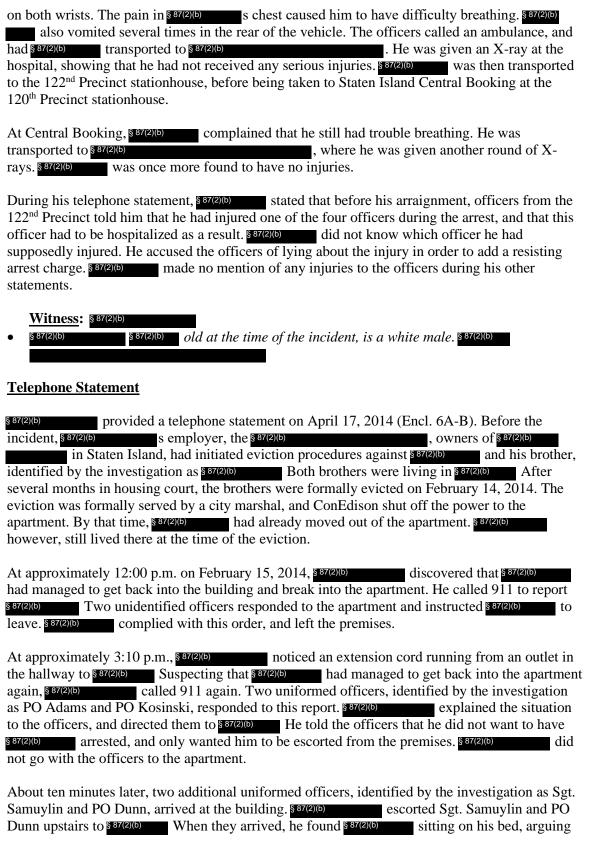
# **Statements to Medical Providers**

At 3:53 p.m. on February 15, 2014, \$37(2)(b) was treated at \$37(2)(b) was treated at \$37(2)(b) .  He complained of pain to his abdomen, chest and right shoulder, as well as nausea and anxiety.  \$37(2)(b) stated that he had been hit by police officers during an altercation (Encl. 12A).
At 10:04 p.m. on February 15, 2014, \$37(2)(b) was treated at \$37(2)(b)
CCRB Testimony
was interviewed at the CCRB on March 5, 2014 (Encl. 5D-F). He filed his initial complaint with IAB on February 26, 2014 (Encl. 5A), and provided a telephone statement to the CCRB on February 28, 2014 (Encl. 5B0C). §87(2)(9)
Prior to the incident, \$87(2)(b) resided at \$87(2)(b) lived with his brother,  \$87(2)(b) During the fall of 2013, efforts were made to evict \$37(2)(b) from the apartment.  \$87(2)(b) was unable to fully explain the situation, and did not seem to understand several important details, such as whether the proceedings were initiated by his brother or the management company. Eviction notices had been issued at least two times during the course of the case, but on each occasion, the judge issued stays and allowed \$37(2)(b) to remain in \$37(2) The last of these stays had been issued approximately one week before February 15, 2014. On that date, the judge informed \$87(2)(b) that he could stay at the apartment until February 22, 2014. During his initial complaint, \$87(2)(b) further stated that a city marshal had attempted to evict him only days before the incident, but that the marshal allowed him to stay at \$87(2)(b) once he explained the stay to him.
At approximately 3:10 p.m. on February 15, 2014, \$\sqrt{87(2)(0)}\$ was asleep in \$\sqrt{87(2)(0)}\$ He was alone in the apartment at the time. In his initial complaint, \$\sqrt{87(2)(0)}\$ mentioned that \$\sqrt{87(2)(0)}\$ had left the apartment a short time before to go to work. In his sworn statement, however, he stated that \$\sqrt{87(2)(0)}\$ was not living there at the time, but had told \$\sqrt{87(2)(0)}\$ that he would be visiting the apartment that afternoon.
was awoken by the sound of the doorbell. When he approached the door, he heard a female, identified by the investigation as PO Elizabeth Adams of the 122 <sup>nd</sup> Precinct, shouting loudly, identifying herself as a police officer. When opened the door, PO Adams entered the apartment with three other uniformed officers, identified by the investigation as PO David Kosinski of the 122 <sup>nd</sup> Precinct and Sgt. Denis Samuylin and PO Bryan Dunn of the 121 <sup>st</sup> Precinct. The officers walked into \$\frac{87(2)(0)}{2}\$ s bedroom in the back of the apartment.

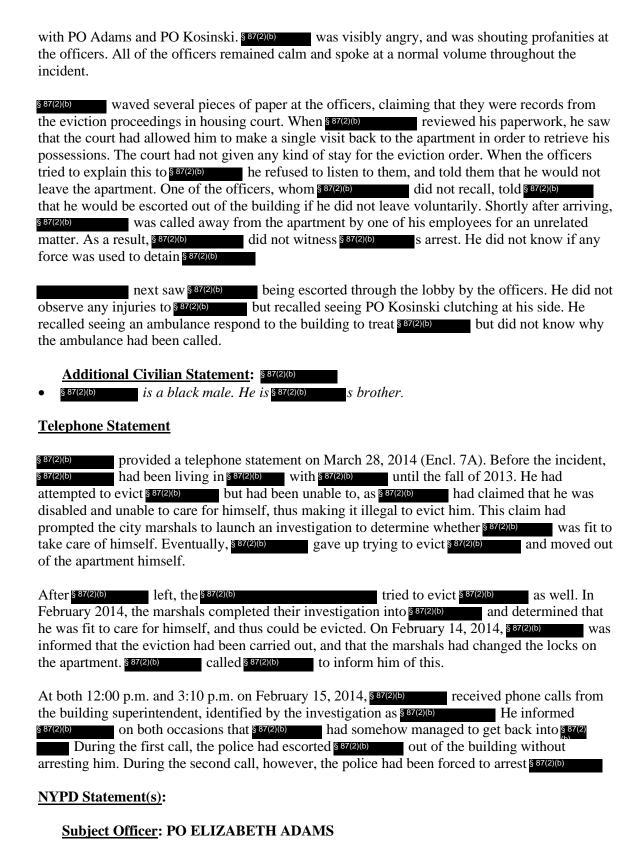
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- PO Adams, old at the time of the incident, is a 5'9", 135-pound white female with brown hair and green eyes.
- On February 15, 2014, PO Adams worked from 7:05 a.m. until 3:40 p.m. She was assigned to Sector I in the 122<sup>nd</sup> Precinct with PO David Kosinski. PO Adams was in uniform, and assigned to marked RMP #3092.

# Memo Book

PO Adams prepared arrest and complaint reports for \$87(2)(b) (Encl. 8E-I). At 3:10 p.m. on February 15, 2014, \$87(2)(b) was arrested at \$87(2)(b) in Staten Island. \$87(2)(b) had entered the location without permission. When officers attempted to arrest \$87(2)(b) he resisted by flailing his arms and throwing himself to the ground. An officer was injured attempting to take \$87(2)(b) into custody. \$87(2)(b) was ultimately charged with \$87(2)(b) . Notation indicates that no force was used against \$87(2)(b)

#### Witness Statement – Injury to a Member of the Department

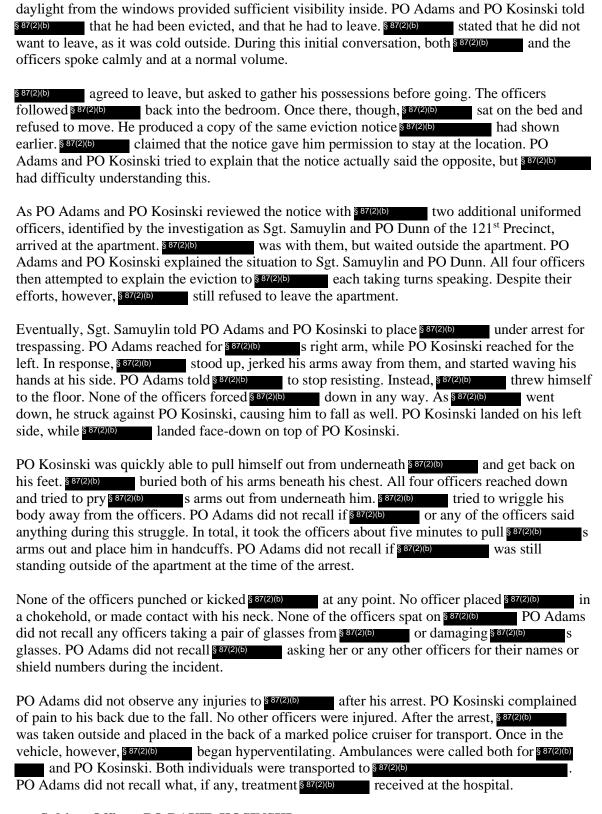
PO Adams prepared a witness statement for a Line-of-Duty Injury Report in regards to PO Kosinski's injury. At approximately 3:10 p.m. on February 15, 2014, while attempting to effect an arrest, the perpetrator made jerking motions and threw himself to the ground. PO Kosinski was knocked to the ground as well, landing on his left side. Afterwards, PO Kosinski complained of pain to his back and left side (Encl. 8J).

# **CCRB Testimony**

PO Adams was interviewed at the CCRB on April 25, 2014 (Encl. 8K-M). At approximately 3:10 p.m. on February 15, 2014, PO Adams and PO Kosinski traveled to \$\frac{87(2)(0)}{2}\$ in Staten Island, in regards to a report of a trespasser. At the location, they were approached by the building's superintendent, identified by the investigation as \$\frac{87(2)(0)}{2}\$ the explained to the officers that the trespasser, \$\frac{87(2)(0)}{2}\$ had been evicted from \$\frac{87(2)(0)}{2}\$ on the day before, but had managed to get back into the building. He showed PO Adams a copy of the eviction notice, dated from February 14, 2014. \$\frac{87(2)(0)}{2}\$ stated that he only wanted \$\frac{87(2)(0)}{2}\$ to leave, and did not want to arrest him if possible.

As PO Adams approached sourced an extension cord leading from the hallway into the apartment. When PO Adams knocked on the front door, sourced opened the door. She did not recall if he was wearing glasses at the time. There were no lights on in the apartment, but

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**Subject Officer: PO DAVID KOSINSKI** 

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- PO Kosinski, \$87(2)(6) old at the time of the incident, is a 5'6", 180-pound white male with black hair and hazel eyes.
- On February 15, 2014, PO Kosinski worked the same tour and assignment as PO Adams.

# Memo Book

At 2:42 p.m. on February 15, 2014, PO Kosinski received a report of trespassing at [387(2)(b)] At 2:50 p.m., he arrived at the location. At 3:00 p.m., PO Adams arrested a black male for trespassing. The male had been evicted the day earlier. During the arrest, the male dropped his weight while PO Kosinski was holding him, causing both of them to fall to the floor. PO Kosinski injured his lower back and side in the fall. The prisoner later complained of chest pains and shortness of breath. Both PO Kosinski and the prisoner were taken by EMS to \$37(2)(5) . After the incident, PO Kosinski went on line-of-duty injury leave for several days (Encl. 9A-C).

**CCRB** Testimony PO Kosinski was interviewed at the CCRB on May 15, 2014 (Encl. 9D-F). §87(2)(9) When PO Kosinski and PO Adams spoke to \$87(2)(b) at \$87(2)(b) PO Kosinski noted that he was wearing glasses at the time. While PO Kosinski also stated that \$67(2)(0) claimed that he had been given permission by the judge to stay at the apartment, he did not recall [8/87(2)(b)] producing any kind of documentation to prove this. PO Kosinski made no mention of \$37(2)(b) flailing his arms at his side when he and PO Adams attempted to pull his arms behind his back. He did state that \$37(2) intentionally dropped himself to the ground once the arrest was initiated. As he fell, \$87(2)(6) knocked PO Kosinski to the ground as well. PO Kosinski landed on his left side, with \$87(2)(6) him. He did not recall how \$87(2)(b) was arranged above him. PO Kosinski felt pain in his lower back and left side as soon as he hit the floor. After falling, PO Kosinski quickly got to his feet. [337(2)] remained on the ground, where he crossed his arms across his chest, and started kicking his legs. \$87(2)(6) repeatedly shouted, at his arms to place him in handcuffs. It took the officers approximately ten minutes to get the arms loose. They were unable to pull \$87(2)(b) s arms fully behind his back, so they were

"Fuck you, I'm not leaving!" All four officers leaned down over \$87(2)(b) and started pulling forced to restrain him by cuffing each of his hands with a separate set of handcuffs, and then linking the two sets behind his back.

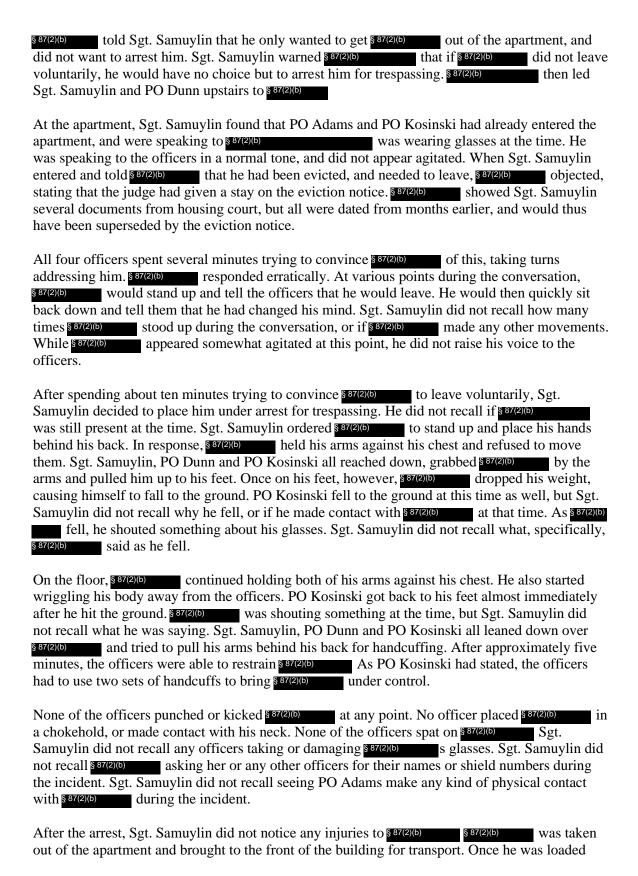
None of the officers punched or kicked § 87(2)(b) at any point. No officer placed § 87(2)(b) a chokehold, or made contact with his neck. None of the officers spat on \$37(2)(5) Kosinski did not recall any officers taking or damaging §37(2)(b) s glasses. PO Kosinski did not recall \$87(2)(5) asking her or any other officers for their names or shield numbers during the incident.

PO Kosinski's back and side continued hurting even after the arrest. PO Kosinski did not observe any injuries to \$87(2)(b) after his arrest. When \$87(2)(b) was taken out of the building and placed in a marked police cruiser for transport, however, § 87(2)(b) began hyperventilating and

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vomiting. As a result of their respective conditions, both PO Kosinski and were transported by EMS to \$87(2)(b) . PO Kosinski was unaware of what, if any, treatment \$87(2)(b) received there.
<ul> <li>Subject Officer: SGT. DENIS SAMUYLIN</li> <li>Sgt. Samuylin, (2010) old at the time of the incident, is a 5'7", 245-pound white male with brown hair and green eyes.</li> <li>On February 15, 2014, Sgt. Samuylin worked from 6:55 a.m. until 3:22 p.m. While Sgt. Samuylin is normally assigned to the 121<sup>st</sup> Precinct, on this date, he was assigned to the 122<sup>nd</sup> Precinct due to a manpower shortage. He was the patrol supervisor, and his operator was PO Bryan Dunn, also of the 121<sup>st</sup> Precinct. Sgt. Samuylin was in uniform, and assigned to marked RMP #5685.</li> </ul>
Memo Book
At 2:38 p.m. on February 15, 2014, Sgt. Samuylin received a report of an unspecified crime in progress at \$\frac{87(2)(6)}{2}\$ At 2:50 p.m., he arrived at the location. Sector I had already responded. Sgt. Samuylin attempted to get \$\frac{87(2)(6)}{2}\$ to leave his apartment. \$\frac{87(2)(6)}{2}\$ had been lawfully evicted on February 14, 2014. At several points, \$\frac{87(2)(6)}{2}\$ stood up and agreed to leave, but then changed his mind and sat back down on the bed. Eventually, Sgt. Samuylin, PO Adams and PO Kosinski attempted to arrest \$\frac{87(2)(6)}{2}\$ for trespassing. When the officers stood him up, he dropped his weight and fell to the ground, causing PO Kosinski to fall as well. On the ground, \$\frac{87(2)(6)}{2}\$ resisted the officers by alternately locking his arms against his chest, and flailing them at his side. The officers were able to restrain him after five minutes of struggle. When \$\frac{897(2)(6)}{2}\$ was palced in a vehicle for transport, he began breathing heavily and vomiting. At this time, PO Kosinski complained to Sgt. Samuylin of pain to his lower back. Ambulances were called for both \$\frac{87(2)(6)}{2}\$ and PO Kosinski, and they were transported to \$\frac{87(2)(6)}{2}\$
Line-of-Duty Injury Report
Sgt. Samuylin prepared a Line-of-Duty Injury Report for PO Kosinski. At approximately 3:10 p.m. on February 15, 2014, while attempting to effect an arrest, the perpetrator made jerking motions and threw himself to the ground. PO Kosinski was knocked to the ground as well, landing on his left side. Afterwards, PO Kosinski complained of pain to his back and left side (Encl. 10E-F).
CCRB Testimony
Sgt. Samuylin was interviewed at the CCRB on May 8, 2014 (Encl. 10G-I). §87(2)(9)
On February 15, 2014, Sgt. Samuylin and PO Dunn, normally assigned to the 121st Precinct, had been temporarily assigned to the 122nd Precinct to address a manpower shortage. Sgt. Samuylin worked as the 122nd Precinct's patrol supervisor.
Sgt. Samuylin and PO Dunn arrived at \$87(2)(b) several minutes after PO Adams and PO Kosinski. When they arrived, they spoke with \$87(2)(b) in the lobby. He explained structure in the lobby. Structure in the lobby in the lobby. Structure in the lobby in the lobby. Structure in the lobby in the lo

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Page 11 CCRB Case # 201401889 into a marked police cruiser, [87(2)(5)] began breathing heavily and vomiting. He told Sgt. Samuylin that he was having an asthma attack. PO Kosinski then approached Sgt. Samuylin and told him that he felt pain in his lower neck and side. Sgt. Samuylin did not know how PO Kosinski obtained these injuries, but assumed that it had resulted from his fall. Sgt. Samuylin called ambulances for both [887(2)(5)] and PO Kosinski.

# **Subject Officer: PO BRYAN DUNN**

- PO Dunn, [887(2)(b)] old at the time of the incident, is a 6', 225-pound white male. He is bald, and has blue eyes.
- On February 15, 2014, PO Dunn worked the same tour and assignment as Sgt. Samuylin.

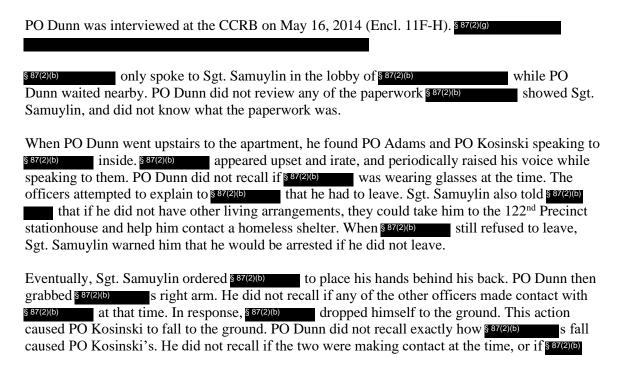
# Memo Book

At 3:00 p.m. on February 15, 2014, PO Dunn assisted in an arrest. The suspect threw himself to the ground during the struggle, injuring PO Kosinski. At 3:10 p.m., he identified the suspect as and noted that he had been arrested for \$87(2)(5) by PO Adams. PO Kosinski was taken to \$87(2)(6) for his injuries after the arrest (Encl. 11A-C).

# **Line-of-Duty Injury Documentation**

PO Dunn prepared an AIDED report and a witness statement for Line-of-Duty Injury Report in regards to PO Kosinski's injury (Encl. 11D-E). At approximately 3:10 p.m. on February 15, 2014, while attempting to effect an arrest, the perpetrator made jerking motions and threw himself to the ground. PO Kosinski was knocked to the ground as well, landing on his left side. Afterwards, PO Kosinski complained of pain to his back and left side.

#### **CCRB Testimony**



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s body struck PO Kosinski. As \$87(2)(b) went down, he held both of his arms up against his chest. He landed face-down, covering both of his arms with his body.
PO Dunn leaned down over responded by wriggling his body away from PO Dunn. PO Dunn did not recall if any of the other officers assisted him in this action, but did recall all four officers telling solve to place his arms behind his back. After several minutes, PO Dunn was able to bring solve) s arms behind his back. He was forced to use two sets of handcuffs linked together to restrain
None of the officers punched or kicked \$87(2)(b) at any point. No officer placed \$87(2)(b) in a chokehold, or made contact with his neck. None of the officers spat on \$87(2)(b) PO Dunn did not recall any officers taking or damaging \$87(2)(b) s glasses. PO Dunn did not recall asking her or any other officers for their names or shield numbers during the incident.
PO Dunn did not observe any injuries to \$87(2)(b) after the arrest. PO Kosinski complained of pain to his back and left side, sustained during his fall. When \$87(2)(b) was loaded into a vehicle for transport, he began complaining to the officers about a medical issue. PO Dunn did not recall the specific nature of \$87(2)(b) s complaint. He did not recall seeing \$87(2)(b) vomit at any point. Both PO Kosinski and \$87(2)(b) were transported from \$87(2)(b) to \$87(2)(b) . PO Dunn did not accompany either of them to the hospital.
Medical Records
§ 87(2)(b) Records
At 3:53 p.m. on February 15, 2014, \$37(2)(b) was transported by EMS to \$37(2)(b) was in police custody at the time. He complained of pain to his abdomen, chest and right shoulder, as well as nausea and anxiety. He was alert and oriented. No mention is made of any bruises or abrasions. X-rays to his chest and shoulder revealed no fractures or dislocations. \$37(2)(b) was given painkillers, and discharged back into police custody at 6:00 p.m. (Encl. 12A).
§ 87(2)(b) Records
At 10:04 p.m. on February 15, 2014, \$87(2)(b) was transported by EMS from the 120 <sup>th</sup> Precinct stationhouse to \$87(2)(b) . He was still in custody at this time. \$87(2)(b) complained of pain to his neck, abdomen and left shoulder, which resulted from an altercation he had had earlier with the police. No mention is made of any bruises or abrasions. A chest X-ray and CT scans of his head, spine and chest revealed no significant injuries. \$87(2)(b) was given morphine, and discharged back into police custody at 4:00 p.m. on February 16, 2014.
At 3:28 a.m. on February 21, 2014, \$87(2)(b) was against transported by EMS to the Medical Center. He complained of general pain resulting from his arrest, and stated that he had had difficulty filling a prescription for painkillers. \$87(2)(b) s prescription was refilled, and he was discharged at 6:43 a.m. (Encl. 12B).

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#### **NYPD Document(s)**

# **Medical Treatment of Prisoner Report**

At 3:40 p.m. on February 15, 2014, \$37(2)(b) was transported by EMS from \$37(2)(b) was transported by PO Jason Leung of the 122<sup>nd</sup> Precinct. \$37(2)(b) complained of pain in his stomach. He was returned from the hospital to the 122<sup>nd</sup> Precinct stationhouse at 6:30 p.m. (Encl. 14A).

# 911 Recording

At 2:35 p.m. on February 15, 2014, a male caller, identified by the investigation as called 911 to report one of his tenants at \$87(2)(b) for trespassing. The tenant had been evicted from on February 14, 2014, but had managed to get back into the building. The tenant had already been warned once by the police to leave the premises. The tenant was not armed or injured, but was speaking in a loud and aggressive tone (Encl. 14C).

#### Radio Run

At 2:36 p.m. on February 15, 2014, the dispatcher reported a trespasser at stating that the suspect had been forcibly removed from the location the night before. A patrol supervisor, identified by the investigation as Sgt. Samuylin, instructs the dispatcher to call the complainant back to find out why the individual had been removed. The dispatcher called who explained that his tenant had been evicted the day before by the city marshals, but had managed to break back into the building. He offered to wait for the officers in the building lobby. The job was assigned to Sector I.

At 2:44 p.m., Sector I arrives at the location. At 2:50 p.m., Sgt. Samuylin arrives there as well. At 3:10 p.m., Sgt. Samuylin reported that an individual was arrested at the location for trespassing. He initially asked for a cage car to respond to the location to transport the prisoner. Shortly afterwards, he cancels this request. Instead, he requests ambulances at the location both for the prisoner and for an injured officer. The officer suffered minor back injuries during the arrest (Encl. 14C).

# 122<sup>nd</sup> Precinct Command Log

arrived at the 122<sup>nd</sup> Precinct stationhouse for arrest processing at 6:07 p.m. on February 15, 2014. He was arrested for trespassing by PO Adams. His physical and mental condition was listed as "apparently normal." From there he was transported from the stationhouse to Central Booking at an unspecified date and time (Encl. 14Q).

# **Other Evidence**

#### **Notice of Eviction**

On February 14, 2014, \$87(2)(b) served a formal notice of eviction to \$87(2)(b) and a "John Doe," identified by the investigation as \$87(2)(b) in Staten Island. The notice states that as of that

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Summons/Arrest for Incident and Disposition
● § 87(2)(b)
<ul> <li>Status of Civil Proceedings</li> <li>On May 22, 2014, a request was submitted to the Comptroller's office for any notices of claim filed by \$87(2)(6) in regards to the incident. To date, no response has been received (Encl. 18Q).</li> </ul>
Civilian(s) Criminal History
Civilian(s) CCDD History
• \$87(2)(b) has filed the following CCRB complaints (Encl. 2A):
Subject Officer(s) CCRB History

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date, the apartment was in the legal possession of the landlord, listed as \$87(2)(b)

(Encl. 13A).

- PO Elizabeth Adams has been a member of the service for five years and there are no substantiated CCRB allegations against her (Encl. 1A).
- Sgt. Denis Samuylin has been a member of the service for nine years and there are no substantiated CCRB allegations against him (Encl. 1B).
- PO David Kosinski has been a member of the service for three years and there are no substantiated CCRB allegations against him (Encl. 1C).
- PO Bryan Dunn has been a member of the service for two years and there are no substantiated CCRB allegations against him (Encl. 1D).

# Conclusion

<b>Identification</b>	of Subject	Officer(	s)

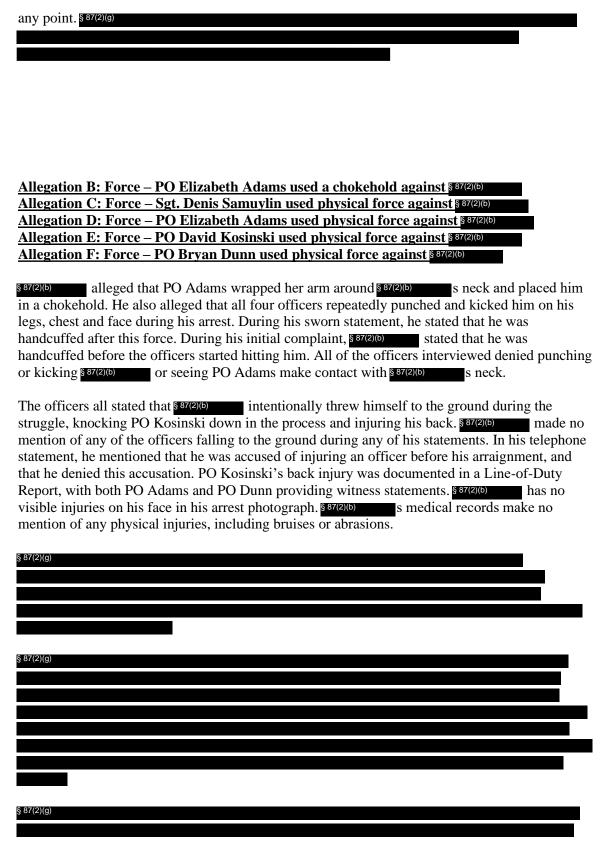
<b>Identif</b>	ication of Subject Officer(s)
•	stated that there was only one female officer present during the incident. He
	alleged that this officer refused to provide her name and shield number, and placed him in
	a chokehold. § 87(2)(9)
•	stated that all four officers struck him and spat on him during his arrest.
	§ 87(2)(g)
•	stated that one of the male officers took his glasses from his face, threw them
	to the ground, and stepped on them. He was unable to state which of the officers took this
	action. None of the officers interviewed recalled seeing any officer take this action
	towards § 87(2)(b) Absent further testimony or documentation, the investigation was
	unable to identify the officer who allegedly damaged \$87(2)(6) s glasses \$87(2)(9)
Allega	tions Not Pleaded
•	alleged that when he opened his apartment door, the four officers
	immediately walked past him to enter. The eviction notice, however, confirms that \$87(2)(b)
	was not a legal tenant at the time of the incident, and would not have any authority
	to deny the officers access to the apartment. Moreover, \$87(2)(b) the
	superintendent, had consented to the entry by calling the officers to remove \$87(2)(b)
	from the apartment. § 87(2)(9)
•	alleged that PO Adams threatened to drag \$87(2)(b) out of the apartment.
	§ 87(2)(g)
T 4	

# **Investigative Findings and Recommendations**

Allegation A: Abuse of Authority – PO Elizabeth Adams refused to provide her name and shield number to § 87(2)(b)

alleged that PO Adams did not provide her name or shield number when he asked her for it. None of the officers recalled \$87(2)(b) asking for any of their names or shield numbers at

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§ 87(2)(g)			
Allegation G: Abuse of Authorit	v – An officer demag	ed \$87/27(b) s property	
Allegation G: Abuse of Authorit	y – An omcer uamag	ed § 87(2)(b) s property.	
officers took his glasses from his fofficers took this action. In his init	face and stomped on the tial complaint, \$87(2)(b)  He did not mention this by lin recalled that \$87(2)(1)		ne cook ent.
§ 87(2)(g)			
Allegation H: Discourtesy - Sgt.			
Allegation I: Discourtesy – PO I Allegation J: Discourtesy – PO I			
Allegation K: Discourtesy – PO			<b>.</b>
He also alleged that all four office spat on \$887(2)(b) during the inc		of the officers denied that any officers	cer
Team:			
Investigator			
Investigator: Signature	Print	Date	
Supervisor: Title/Signature	Print	Date	
_	1 11111	Duic	
Reviewer:	Duint		
Title/Signature	Print	Date	
Reviewer:			
Title/Signature	Print	Date	

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